

INQUIRY COMMITTEE

RECORD OF DECISION

File Reference: DH2004

ELEMENTS OF COMPLAINT

On October 12, 2020, the College received a complaint from a dentist (the “Complainant”) alleging a Registrant engaged in unethical behaviour by accessing and copying a client’s contact information without authorization for the purposes of contacting the client by email on September 10, 2020, for his/her new practice.

The matter was referred to the Inquiry Committee which initiated an investigation under s. 33(4) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the “Act”) and the Registrant was invited to respond.

On October 27, 2020, the College received a written response from the Registrant through his/her legal counsel in which s/he denied any wrongdoing. The Registrant maintained that the client had voluntarily provided her email address on a sticky note to him/her and requested the Registrant’s business card at the end of the client’s dental hygiene appointment.

On January 13, 2021, the College office received the inspector’s report, a copy of which was provided to the Complainant and the Registrant for response. The inspector’s report revealed that:

- the Registrant was employed as a full time temporary dental hygienist and provided temporary dental hygiene services at the Complainant’s dental office on and off for approximately two years.
- the Registrant started her own private dental hygiene practice in February 2020, and currently works there Fridays and some Thursdays.
- there is a discrepancy between the client’s and the Registrant’s recollection of what occurred during the dental hygiene appointment.
- the client insists she did not provide her email address to the Registrant and did not request to be contacted by email to ask about booking her next appointment.
- the Registrant maintains that the client voluntarily provided her email address on a post-it note and gave verbal consent for the Registrant to contact her by email to book her next appointment at his/her private dental hygiene practice.
- there is no documentation by the Registrant in the client’s record kept at the office of the Complainant indicating a discussion occurred about the client requesting to see the Registrant again for dental hygiene care at his/her private dental hygiene practice or consent to provide her email address to the Registrant.
- the client’s email address was contained in client’s record kept at the office of the Complainant during the appointment which the Registrant would have had access to as part of the client’s chart although s/he denies having accessed it.
- the client stated that after receiving the email from the Registrant she was unsure of what to do as she felt a loyalty to the Complainant and considered the email to be very aggressive.

COMMITTEE DECISION

After considering the materials provided by the Complainant and the Registrant, the inspector’s report, and the responses to the inspector’s report, the Inquiry Committee was concerned that the Registrant: (a) failed to respect the client’s privacy by using her personal

information without authorization; (b) failed to document his/her communication with the client in the clinical chart; and (c) failed to ensure that his/her communication to the client was not seen as improperly soliciting a new client or ensuring that his/her communication did not make the client uncomfortable.

Under the terms of the consent order, the Registrant agreed to undertake: (a) not to repeat the conduct of failing to protect client privacy by using personal information without authorization; (b) not to repeat the conduct of failing to document client communications in the clinical chart; and (c) not to repeat the conduct of failing to ensure that his/her communications are not seen as improperly soliciting new clients or failing to ensure that her communications do not make clients uncomfortable; (d) to write a reflective essay, using the [ORID Focused Conversation Model](#), of not less than 1500 words, exclusive of references, outlining his/her understanding of clients' rights to privacy and confidentiality, documentation standards and the ethical requirements regarding solicitation of new clients; (e) to submit a draft of the reflective essay for approval to the Inquiry Committee within 180 days of this date of this Undertaking and Consent Order and to make such changes to the reflective essay on the terms directed by the Inquiry Committee if it is not satisfactory; and (f) to complete the BCDHA Module F2: Professional Issues: Collaborative Relationships, Referrals, Administration & Practice Management, at her cost, within six (6) months of the date of this Undertaking and Consent and to provide written evidence satisfactory to the Inquiry Committee that s/he has successfully completed the module within 30 days of completing it.

RELEVANT PROVISION OF ACT, REGULATION OR BYLAWS

Act, section 13; 33(1); 33(5); 33(6)(a)

STATUS

Closed.